

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

BUCKMAN LABORATORIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:15-cv-02063-JPM-tmp
)	
SOLENIS, L.L.C., and)	
SOLENIS TECHNOLOGIES, L.P.,)	
)	
Defendants.)	

SCHEDULING ORDER

This is an action for declaratory judgment of patent invalidity and non-infringement brought by Plaintiff Buckman Laboratories, Inc. against Defendants Solenis Technologies, LP and Solenis, LLC. Plaintiff seeks a determination that United States Patent No. 8,841,469 (“the ’469 patent”) is invalid and that it does not infringe a valid or enforceable claim of the ’469 patent. The ’469 patent protects methods related to chemical additives and use thereof in stillage processing operations. Plaintiff alleges that it received a letter dated January 9, 2015, to “cease and desist selling the chemical additives to ethanol producers for use in the patented method.” (Complaint ¶ 11, ECF No. 1.)

A Patent Scheduling Conference was held in this action on August 5, 2015. Jesse J. Camacho and Michael F. Rafferty appeared for the plaintiff Buckman Laboratories, Inc., and Rodger D. Smith II, Eleanor G. Tennyson, and Mark Vorder-Bruegge, Jr., appeared for the defendants Solenis, L.L.C., and Solenis Technologies, L.P.

In accordance with the Local Patent Rules, the parties filed a Joint Planning Report and Proposed Schedule which included alternative schedules for certain events because the parties could

not agree. After discussion of the parties' proposals at the conference, the Court hereby adopts the following schedule:

Item	LPR	Description	LPR Text, if Applicable	Date
		Responsive Pleading (RP)		07/27/2015
1.	LPR 2.1(a)	Patent Scheduling Conference Notice	<i>within 7 bus. days after the RP is filed, the parties shall jointly file</i>	Not Applicable, PSC is already calendared
2.	LPR 2.1(b)	Planning Meeting	<i>at least 14 day prior to the PSC</i>	07/16/2015
3.	LPR 2.1(c)	Joint Planning Report and Proposed Schedule	<i>at least 7 days prior to the PSC</i>	07/29/2015
4.	LR 16.2(b)(4)(B)(ii)	Send Word version of Proposed Scheduling Order to ECF mailbox	<i>at least 3 days before the scheduling conference</i>	07/31/2015
5.	LPR 3.1-3.2	Initial Infringement Contentions	<i>within 7 days after the RP is filed, a party . . . shall serve on all parties</i>	08/03/2015
6.		Patent Scheduling Conference (PSC)	(D.E. 17)	08/05/2015
7.		Parties Submit Proposed Protective Order.		08/19/2015
8.		Initial Disclosures	<i>14 days after scheduling conference</i>	09/04/2015
9.	LPR 3.5-3.6	Initial Invalidity and Enforceability Contentions	<i>within 90 days after the RP is filed</i>	10/26/2015
10.	LPR 3.3-3.4	Initial Non-infringement Contentions	<i>within 28 days after service of the <u>Initial Infringement Contentions</u></i>	08/31/2015
11.	LPR 3.7	Initial Validity and Enforceability Contentions	<i>within 21 days after service of the <u>Invalidity and Unenforceability Contentions</u></i>	11/16/2015
12.	LR, Apdx. H	Motions to Amend Pleadings or Join Parties	<i>60 days after the scheduling conference</i>	10/05/2015

Item	LPR	Description	LPR Text, if Applicable	Date
13.	LPR 4.1(a)	Preliminary Identification of Claim Terms to be Construed	<i>within 95 days after the RP is filed</i>	12/04/2015
14.	LPR 4.1(b)	Parties Meet and Confer to Discuss Proposed Claim Terms to be Construed		12/11/2015
15.	LPR 4.1(c)	Final Identification of Claim Terms to be Construed	<i>within 115 days after the RP is filed</i>	12/23/2015
16.	LPR 4.2(a)-(b)	Preliminary Claim Constructions and Supporting Material	<i>within 14 days after the exchange of <u>4.1(c)</u> lists</i>	01/08/2016
17.	LPR 4.3(a)	Initial Expert Claim Construction Reports (if any)	<i>within 14 days after the exchange of <u>Preliminary Claim Constructions</u></i>	02/05/2016
18.	LPR 4.3(b)	Rebuttal Expert Claim Construction Reports (if any)	<i>within 14 days after disclosure of <u>Initial Expert Claim Construction Reports</u></i>	02/26/2016
19.	LPR 4.3(c)	Completion of Claim-Construction Expert Discovery (e.g., any depositions of claim-construction experts, if any)	<i>within 14 days after the disclosure of <u>Rebuttal Expert Claim Construction Reports</u></i>	03/18/2016
20.	LPR 4.2(c)	Exchange Final Claim Proposed Claim Constructions	<i>within 7 days after the <u>completion of Expert Claim Construction Discovery</u>, pursuant to LPR 4.3(c), or 50 days after the exchange of <u>Prelim. Claim Constructions</u></i>	04/01/2016
21.	LPR 4.4(a)	Opening Claim Construction Briefs	<i>within 14 days after exchanging Final Claim Constructions</i>	04/15/2016
22.	LPR 4.4(b)	Responsive Claim Construction Briefs	<i>within 30 days after the Opening Claim Construction Briefs are filed</i>	05/20/2016
23.		Deadline for mediation		TBD
24.	LPR 4.5	Joint Claim Construction and Prehearing Statement	<i>within 7 days after the Responsive Claim Construction Briefs are filed,</i>	06/03/2016

Item	LPR	Description	LPR Text, if Applicable	Date
25.	LPR 4.6	Claim Construction Hearing (CCR)	<i>within 30 days after the Responsive Claim Construction Briefs are filed</i>	6/29/2016
26.	LPR 4.8	Production of Written Advice of Counsel	<i>at least 90 days prior to the close of fact discovery</i>	04/08/2016
27.		Parties exchange initial privilege logs	<i>at least 45 days prior to the close of fact discovery</i>	TBD
28.		Court's Claim Construction Ruling (CCCR)		There is no deadline for the Court's Claim Construction Ruling
29.	LPR 3.8(a)	Final Infringement Contentions	<i>within 14 days after the CCCR is issued</i>	TBD
30.	LPR 3.8(b)	Final Non-infringement Contentions, Final Invalidity and Unenforceability Contentions	<i>within 14 days after the CCCR is issued</i>	TBD
31.	LPR 4.7	Close of Fact Discovery	<i>no later than 30 days after CCCR</i>	TBD
32.	LPR 4.7	Status Conference	<i>within 30 days of the CCCR</i>	TBD
33.		Final date to supplement disclosures, discovery responses, and privilege logs.	<i>within 7 days after close of fact discovery</i>	TBD
34.	LPR 3.8(c)	Final Validity and Enforceability Contentions	<i>within 45 days after the CCCR is issued</i>	TBD
35.	LPR 5.1(b)	Initial Expert Witness Disclosures (Opening Expert Reports)	<i>within 60 days after the CCCR is issued</i>	TBD
36.	LPR 5.1(c)	Rebuttal Expert Witness Disclosures	<i>within 30 days after service of Initial Expert Witness Disclosures</i>	TBD
37.		Reply Expert Report to address any Secondary Considerations of Nonobviousness Raised in Rebuttal Report		TBD
38.	LPR 5.2	Completion of Depositions of Experts	<i>within 40 days after service of Rebuttal Expert Witness Disclosures</i>	TBD

Item	LPR	Description	LPR Text, if Applicable	Date
39.	LPR 6.1	Filing Dispositive Motions	<i>within 14 days after end of expert discovery</i>	TBD
40.		Filing Daubert Motions	<i>Same as Filing Dispositive Motions</i>	TBD
41.	LPR 6.2	Trial	<i>within 120 days after the deadline for filing dispositive motions</i>	TBD

This order has been entered after consultation with the parties. Absent good cause shown, the deadlines set by this order will not be modified or extended.

IT IS SO ORDERED this 7th day of August, 2015.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE